

**BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA**

INQUIRY CONCERNING A
JUDGE: GREGORY P. HOLDER
NO.: 02-487

SUPREME COURT
CASE NO.: SC03-1171

**MOTION TO RECONSIDER RESPONDENT’S MOTION AND
SUGGESTION TO DISQUALIFY JUDGE JOHN P. KUDER, JUDGE
THOMAS B. FREEMAN, DR. LEONARD HABER, AND MR. RICARDO
MORALES, III, OF THE JUDICIAL QUALIFICATIONS COMMISSION
HEARING PANEL**

Respondent, Judge Gregory P. Holder, files this Motion to Reconsider Respondent’s Motion and Suggestion to Disqualify Judge John P. Kuder, Judge Thomas B. Freeman, Dr. Leonard Haber, and Mr. Ricardo Morales, III, of the Judicial Qualifications Commission Hearing Panel. Judge John P. Kuder, as chairman of the Hearing Panel, denied Respondent’s Motion and Suggestion to Disqualify before the Hearing Panel received Respondent’s Memorandum of Law in support of the Motion and Suggestion to Disqualify Judge John P. Kuder, Judge Thomas B. Freeman, Dr. Leonard Haber, and Mr. Ricardo Morales, III, of the Judicial Qualifications Commission Hearing Panel (“Memorandum of Law”).

The Memorandum of Law, which Respondent incorporates by this reference, addresses the issue of legal sufficiency and explains why Respondent’s Motion and Suggestion to Disqualify should be granted. Moreover, the Order Denying Motion for Disqualification did not address Respondent’s Suggestion to Disqualify under

Judicial Qualifications Commission Rule 25. Respondent believes that the Memorandum of Law will aid the Hearing Panel in determining this issue. Finally, the Memorandum of Law makes clear that Respondent's federal and Florida constitutional rights to due process of law prohibit the Hearing Panel, as currently constituted, from presiding over instant proceeding concerning Respondent.

Therefore, Respondent respectfully requests reconsideration of his Motion and Suggestion to Disqualify Judge John P. Kuder, Judge Thomas B. Freeman, Dr. Leonard Haber, and Mr. Ricardo Morales, III, of the Judicial Qualifications Commission Hearing Panel.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the forgoing has been furnished this ____ day of August, 2004, via telecopier and United States Mail to: Ms. Brooke Kennerly, Hearing Panel Executive Director, 1110 Thomasville Road, Tallahassee, FL 32303; The Honorable John P. Kuder, Chairman of the Hearing Panel, Judicial Building, 190 Governmental Center, Pensacola, FL 32501; John Beranek, Counsel to the Hearing Panel, Ausley & McMullen, P.O. Box 391, Tallahassee, Florida 32302; Charles P. Pillans, III, Esq., JQC Special Counsel, Bedell Ditmar DeVault Pillans & Coxe, P.A., The Bedell Building, 101 East Adams Street, Jacksonville, FL 333202; and, Thomas C. MacDonald, Jr., JQC General Counsel, 1904 Holly Lane, Tampa, FL 33629.

Attorney